

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-173845-001 DT

09/19/2013

HONORABLE DAVID B. GASS

CLERK OF THE COURT
E. Aguilar
Deputy

STATE OF ARIZONA

KAREN L PUGH
MARYANN MCKESSY

v.

DANNY WISE (001)

DIEGO RODRIGUEZ
JOHN W BLISCHAK

COURT ADMIN-CRIMINAL-CCC
PRETRIAL SERVICES AGENCY-CCC

TRIAL MINUTE ENTRY
DAY 10

Courtroom CCB 903

State's Attorney:	Karen Pugh and Mary Ann McKessy
Defendant's Attorney:	Diego Rodriguez
Knapp Counsel:	John Blischak
Defendant:	Present
Court Reporter:	Luz Franco

11:13 a.m. This is the time set for trial to Jury.

LET THE RECORD REFLECT the State's Case Agent, Guy Milanovits and the Defendant's Designated Investigator, James Sell is present in the courtroom.

The jury is not present.

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Trial matters are discussed.

11:14 a.m. The jury enters the courtroom and trial continues.

The State's witness, Arthur Kreitenberg, having been previously sworn, resumes the stand and further testifies.

Counsel approach the bench and discussion is held outside the presence of the jury.

Trial continues.

11:56 a.m. The jury is reminded of the admonition and leaves the courtroom and Court stands at recess.

1:37 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Luz Franco is present.

LET THE RECORD REFLECT the State's Case Agent, Guy Milanovits and the Defendant's Designated Investigator, James Sell is present in the courtroom.

The jury is not present.

Both sides announce ready.

1:40 p.m. The jury enters the courtroom and trial continues.

The State's witness, Arthur Kreitenberg, having been previously sworn, resumes the stand and further testifies.

The State's Exhibit 133 is offered by the State and upon stipulation of parties, is received in evidence.

Counsel approach the bench and discussion is held outside the presence of the jury.

Trial continues.

Counsel approach the bench and discussion is held outside the presence of the jury.

Trial continues.

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The State's Exhibit 134 is offered by the State and upon stipulation of parties, is received in evidence.

2:44 p.m. The jury is reminded of the admonition and leaves the courtroom and Court stands at recess.

3:06 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Luz Franco is present.

LET THE RECORD REFLECT the State's Case Agent, Guy Milanovits and the Defendant's Designated Investigator, James Sell is present in the courtroom.

The jury is not present.

Both sides announce ready.

Discussion is held regarding the State's Exhibit 136.

LET THE RECORD REFLECT upon stipulation of parties, 2 pages Bates #'s 067248 and 067249 are removed from the State's Exhibit 136, and marked as the State's Exhibit 136.001.

The State's Exhibit 136.001 is marked for identification.

3:07 p.m. The jury enters the courtroom and trial continues.

The State's witness, Arthur Kreitenberg, having been previously sworn, resumes the stand and further testifies.

Counsel approach the bench and discussion is held outside the presence of the jury.

Trial continues.

LET THE RECORD REFLECT the Court has received 3 questions from the jury. Same are discussed by Court and counsel and Questions 15 and 17 are asked of the witness. Juror Question # 16 is not asked of the witness.

FILED: Jury Questions (15, 16, and 17)

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The witness is excused subject to recall.

The State rests.

Counsel approach the bench and discussion is held outside the presence of the jury.

Trial continues.

3:49 p.m. The jury is reminded of the admonition and excused until **1:30 p.m. on September 23, 2013** in this division. Court remains in session.

Trial matters are discussed.

Counsel for the Defendant makes a Rule 20 Motion for a directed verdict.

Counsel present argument to the Court.

THE COURT FINDS that there is substantial evidence to warrant a conviction and that this matter should go to the jury for decision; therefore,

IT IS ORDERED denying Defendant's Rule 20 Motion.

Discussion is held as stated on the record regarding the State's proposed Motion to Preclude the testimony of Defense witness, Mr. James Sell.

The Court notes Mr. Sell will be available on September 20, 2013 for the State to conduct an interview with him as to his testimony to be heard on Monday, September 23, 2013.

4:12 p.m. Court stands at recess until **11:30 a.m. on September 23, 2013** in this division.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.